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In re Application of :
Stephan HAUSER :
Application No.: 09/965,050 :
Filing Date: 27 September 2001 :
Attorney Docket No.: 2001-6010-RA :
For: 3-DIMENSIONAL MAT-SYSTEM FOR :
POSITIONING STAGGERED ARRANGEMENT :
AND VARIATION OF AGGREGATE IN :
CEMENT-BONDED STRUCTURES :

DECISION ON
PETITION
UNDER 37 CFR 1.137(b)

The "PETITION TO REVIVE UNDER 37 CFR 1.137(b)" filed 24 October 2001 in the above-captioned application is hereby **GRANTED** as to the National stage in the United States of America as follows:

The appropriate petition fee for a small entity as required by 37 CFR 1.17(m) has been paid.

All of the requirements of 37 CFR 1.137(b) for revival have been submitted. Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirement under 37 CFR 1.137(b)(3) at the time of filing this petition.

International Application PCT/IB00/01369 became abandoned as to the National stage in the United States of America at midnight on 27 June 2001 for failure to pay the basic national fee. The filing of the present application under 35 U.S.C. 111 as a PCT continuation application is accepted as the appropriate response under 37 CFR 1.137(b). See MPEP § 711.03(c). International Application PCT/IB00/01369 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, International Application PCT/IB00/01369 is again abandoned in favor of the present continuing application number 09/965,050.

Applicant is entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, since this application (Serial No. 09/965,050) and the international application (PCT/IB00/01369) designating the United States were copending on 27 September 2001. In order to obtain benefit of the earlier international application, applicant must amend the beginning of the specification of this application by inserting a proper reference to the parent international application. An appropriate passage would be, "This is a continuation of international application PCT/IB00/01369, filed 26 September 2000, which designated the United States and is now abandoned."

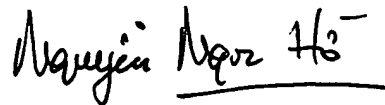
Applicant is reminded that in order to perfect the claim for priority under 35 U.S.C. 119, applicant must submit a certified copy of the priority document. The certified copy of the priority document submitted to the International Bureau cannot be relied upon to perfect the claim for priority. See MPEP §1896.

This application is being forwarded to the Office of Initial Patent Examination for further processing.



Leonard E. Smith
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